

0-0

RE: JAY A. ERICKSON, R.N.
License No. R033909,
Licensee.

:
:
:
:

**ORDER OF SUMMARY
SUSPENSION AND NOTICE OF
HEARING**

0-0

WHEREAS, on or about February 2, 2010, the Board received a complaint from the Rapid City Regional Hospital alleging that the Licensee engaged in inappropriate sexual behavior toward a patient who had been admitted into the emergency department with depression and suicidal ideation/gesture.

After receiving the complaint, the Board began an investigation into the complaint received.

As part of the Board's investigation, it reviewed the investigative material from the Risk Management Department at Rapid City Regional Hospital, the factual allegations, and the conclusion of the investigators that inappropriate behavior did occur.

Rapid City Regional Hospital, as a part of its complaint, also reported to the Board of Nursing that the Licensee was counseled by his employer in July of 2009 regarding

another emergency department patient who reported inappropriate comments made to her and unwelcome touching of her by the Licensee.

Following these complaints, the Board received a second complaint from the Rapid City Regional Hospital regarding inappropriate Facebook postings by the Licensee of a threatening nature following Licensee's termination from the Rapid City Regional Hospital Emergency Department; and

WHEREAS, based upon the affidavit of Kathleen Rausch and the above stated conduct, the Board has concluded that the public health, safety, and welfare requires emergency action, in that Licensee's actions may endanger the health and safety of those who are, or will be, entrusted to his care in the future; and

WHEREAS, the Board, has a statutory obligation to protect the health, safety and welfare set forth in SDCL §36-9, including the protection of the public from unsafe nursing practices and practitioners.

NOW THEREFORE IT IS HEREBY ORDERED:

1. That the Board has jurisdiction of the Licensee and the subject matter of this Order.
2. That based on the above, the Board specifically finds that the public health, safety, and welfare require emergency action against Licensee's license.
3. That based on the above, the Board specifically finds that the Licensee's actions endanger the public health, safety and welfare, and imperatively require

emergency action in that Licensee may endanger the health and safety of those persons who are or will be entrusted to his care in the future and that these are matters of a nature that would constitute further grounds for discipline of his license to practice nursing under SDCL § 36-9-49(5), (7), (10) (11) and (12).

4. Based upon these findings, Licensee's license to practice nursing in South Dakota is hereby summarily suspended. Licensee may petition according to SDCL § 36-9-57 for reinstatement of his license at any time for "good cause". This Order also affects Licensee's privilege to practice in South Dakota. Should licensee change his home state under the Nurse Licensure Compact, then Licensee's practice privilege is subject to the same requirements as set forth in this order as his South Dakota license.

5. That Licensee shall turn in his license to the Board within ten (10) days from the date of this Order and it shall be kept by the Board until further action on this matter.

6. Licensee is hereby notified that any practice of or holding himself out as a registered nurse during the terms of this Order of Summary Suspension is a violation of SDCL § 36-9-68.

7. That this action is reportable discipline and will be published in the Board's newsletter, posted on its website, and reported into the HIPDB and NPDB data banks as required by law.

The South Board of Nursing at its meeting on the 26th day of Feb
2010, approved this Order of Summary Suspension as written without modifications and
issues its Order of Summary Suspension consistent herein as follows:

IT IS HEREBY ORDERED that the above is adopted as an Order of the South
Dakota Board of Nursing this 26th day of February, 2010, by a vote of
9-0.

SOUTH DAKOTA BOARD OF NURSING

Gloria Damgaard
Gloria Damgaard, Executive Director

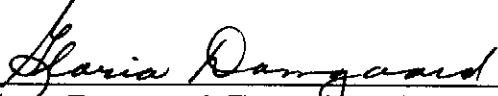
NOTICE OF HEARING

The South Dakota Board of Nursing ("Board") pursuant to SDCL §§ 1-26-16, 1-26-27, and 1-26-29, hereby provides this Notice of Hearing to Jay A. Erickson, RN, License No. R-036919 ("Licensee") as follows:

1. Hearing on the Order of Summary Suspension will take place before the Board on April 21, 2010 at 2 o'clock p.m. at the South Dakota Board of Nursing Office, 4305 S. Louise Avenue, Suite 201 in Sioux Falls, South Dakota.
2. This matter is an adversarial proceeding and Licensee has the right to be present at the hearing and to be represented by an attorney. These due process rights will be forfeited if they are not exercised at the hearing.
3. Licensee has a right to request that the agency use the Office of Hearing Examiners for this proceeding by giving notice of the request to the Board no later than ten (10) days after the service of this Notice of Hearing on Order of Summary Suspension.
4. A decision issued by the Board after the hearing may be appealed to the circuit court and to the state Supreme Court as provided by law.

Dated this 5th day of March, 2010.

SOUTH DAKOTA BOARD OF NURSING



Gloria Damgaard, Executive Director